

TOWN OF NEWSTEAD - PLANNING BOARD MINUTES

June 6, 2005

PRESENT: Tom Cowan, Chairman
Rick Meahl
Andy Kelkenberg
Don Hoefler
Terry Janicz
John Olaf
Christine Falkowski, Planning Board Clerk
Rebecca Baker, Assessor/Zoning Officer

ABSENT: John Potera

The Planning Board meeting was called to order by Tom Cowan at 7:30PM.

Site Plan Amendment – Kelly Schultz Antiques

11167 Main Road

Mr. Schultz is planning to construct a 4,800 SF building as indicated on his Master Concept Plan from 1999, but in a different location. He has provided a 2005 Master Plan showing the proposed location (and the existing location of the WNY Event Center). The purpose is for seasonal storage and seasonal public assembly. As the size is under 5,000 SF, stormwater is not required, although the site plan will be reviewed by the Town Engineer. Erie County Planning has already made “no comment”. Overlay District items were checked as follows:

- Parking – none
- Lighting – none
- Signage – none
- Setback – 80+ feet (attached to existing building)
- Access – no cross connection needed; no adjacent businesses
- Architecture – matches other buildings on site; pitched roof
- Landscaping – none; several trees already at road
- Sidewalk – we need DOT reg’s before requiring where to show proposed location of

John motioned to approve the site plan amendment, seconded by Terry, pending Wendel’s review of the Long EAF and drainage calculations to be provided by Schutt Engineering:

Tom Cowan	- Aye
Don Hoefler	- Aye
Terry Janicz	- Aye
John Olaf	- Aye
Rick Meahl	- Aye
Andy Kelkenberg	- Aye

Clarence Center Road development/drainage

Michael Schmidt subdivided three lots on Clarence Center Road in 2003. The east lot has a new home that appears to be surrounded by water when there is a heavy event. The west lot has a building permit/drainage plan awaiting approval. The center lot is owned by Joe Kausner, who plans to build in the future. This lot has a ditch running through the center (Beeman Creek tributary). In order to thwart water issues down the road, it is important that the drainage plans for all three lots work properly. Tom Cowan and Dan Seider from Wendel walked the lots on Thursday. Mr. Kausner stated that he plans to raise the grade at the center lot with fill from the water district project. It will drain to the rear. He also plans to move the ditch to the side property line, and he may put in a pond at the rear. The first floor elevations for all three lots will be about the same. The rear ditch at the east lot is choked up and needs cleaning. Also the cross culvert and ditch to Beeman Creek needs cleaning. If the Drainage Committee had funding for these projects, the water problem in this area could be remedied.

Minutes Review

Andy motioned to approve the minutes of May 16, 2005, seconded by Rick:

Tom Cowan	- Aye
Don Hoefler	- Aye
Terry Janicz	- Aye
John Olaf	- Aye
Rick Meahl	- Aye
Andy Kelkenberg	- Aye

Special Use Permits in RA Zone for Home Based Businesses

The April 4th memo of recommendations went to the Town Board.

Flaglots

The biggest dilemma seems to be whether or not to allow creation of flaglots. If we don't, the 11 existing parcels that qualify now could request a variance through the Zoning Board, hence eliminating the need for this ordinance. The Planning Board would like to meet with the Town Board before final decisions are made.

- Christine reported that there has been no action from John Randall, who will potentially apply for a variance through the Zoning Board for a 3,600 SF hangar at the Akron Airport.
- Christine reported that there has been no excavation on Andrew Bower's pond on Berghorn Road yet; just grading. Don Hoefler gave Christine a revised pond grading plan to give to Wendel for review.
- Christine reported that when development disturbs one acre of land or more, a SPDES Construction Permit, Storm Water Pollution Prevention Plan and Notice of Intent are required by the DEC. These are the responsibility of the developer who should prepare, sign and mail to the DEC, and maintain on site throughout construction. A copy should be submitted to the Town for information purposes only. Wendel Duchscherer recommends that this requirement be mentioned to developers at Planning Board meetings. We can even provide them with the forms or refer them to:
<http://www.dec.state.ny.us/website/dow/PhaseII.html>.
- Rebecca submitted a Zoning Violation Report dated May 23, 2005 which was reviewed.
- Flyers were distributed for training:
 - (1) "Open Space & Farmland Conservation" – satellite conference June 21st
 - (2) "Planning & Zoning summer Schools 2005"- July 15th or July 28th

Next Agenda deadline: Friday, June 10, 2005
Next Agenda meeting: Thursday, June 16, 2005
Next PB meeting: Monday, June 20, 2005

Don made a motion to adjourn the meeting at 9:00PM, seconded by Terry and all approved.

Respectfully submitted,

Christine Falkowski
Recording Secretary